



## REQUEST FOR FILING A PATENT APPLICATION UNDER UNDER 37 C.F.R. §1.53(b)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Serial No: 10/338,727

Filed: January 9, 2003

Examiner: M. McMahon

Group: 3747

Mail Stop Patent Application

Commissioner for Patents P.O.Box 1450 Alexandria, VA 22313-1450

Sir:

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This is a request for filing a divisional application under 37 C.F.R. §1.53(b) of pending prior application Serial No. 10/338,727, filed January 9, 2003, of Kazuyuki UENOYAMA, Yoshio KOBAYASHI, Kazunori KUDOU, entitled TWO-STROKE CYCLE ENGINE.

- 1. Accompanying this order is a true copy of the prior application as originally filed with a copy of executed Declaration and Power of Attorney.
- 2. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 3. Cancel in this application original Claims  $\frac{1-11}{17}$ ,  $\frac{18}{18}$  and  $\frac{23-26}{19}$  of the prior application before calculating the filing fee.
- 4. The filing fee is calculated below:

CLAIMS AS FILED, INCLUDING ANY CLAIMS CANCELLED OR ADDED BY PRELIMINARY AMENDMENT

Basic Fee \$375/750 = \$750.00Total Claims \$ 9/18 = \$ 10 20 Х Independent Claims 3 3 \$42/84 = \$ Multiple Dependent Claim Presented \$140/280 = \$Total Filing Fee \$750.00

- 5. A check in the amount of \$750.00 to cover the filing fee is enclosed.
- 6. The Commissioner is hereby authorized to charge any additional fee, or credit any overpayment to Deposit Account No. 05-1323 (Docket No. 037083.48851D4).
- 7. Kindly amend the specification by inserting before the first line the following sentence:
  - -- This application is a division of co-pending application Serial No. 10/338,727 filed January 9, 2003, which is a division of application Serial No. 10/152,035 filed May 22, 2002, now U.S. Patent No. \_\_\_\_\_, which is a division of application Serial No. 09/832,802, filed April 12, 2001, now U.S. Patent No. 6,408,805, which in turn is a division of application Serial No. 09/558,596, filed April 26, 2000, now U.S. Patent No. 6,257,179.--
- 8. The prior application is assigned to <u>Mitsubishi Heavy</u> <u>Industries, Ltd.</u> and the assignment was recorded on September 13, 2000 at Reel 011100, Frame 0547.

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- Priority of application Nos.

  JP 11-122599, filed in Japan on April 28, 1999,

  JP 11-357099, filed in Japan on December 16, 1999,

  JP 11-371683, filed in Japan on December 27, 1999,

  JP 11-371684, filed in Japan on December 27, 1999,

  JP 11-375130, filed in Japan on December 28, 1999, and

  JP 2000-1316, filed in Japan on December 28, 1999, and

  is claimed under 35 USC \$119. The certified copies of the priority documents have been submitted in parent application Serial No. 09/558,596, filed April 26, 2000.
- 10. The power of attorney in the prior application is to:
   James. F. McKeown, Reg. No. 25,406
   Donald D. Evenson, Reg. No. 26,160
   Gary R. Edwards, Reg. No. 31,824
   Joseph D. Evans, Reg. No. 26,269
   Jeffrey D. Sanok, Reg. No. 32,169
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and appears in the original application papers in the prior application.

11. Address all future correspondence to:
J. D. Evans
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Address telephone communications to J. D. Evans at (202) 624-2845.

12. Other items submitted herewith are an <u>Information</u> Disclosure Statement and Application Data Sheet.

Respectfully submitted,

August 6, 2003

J. D. Evans

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